Response to Amendment

Applicant's amendment received on October 1st 2009 has been fully considered and entered, but the arguments are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea et al. (US Patent no. 6,160,548).

Regarding claims 7 and 15, Lea discloses a method for modifying timestamps in an audiovisual data stream comprising characteristic point information(See Lea's Abstract, col. 9, lines 1-12). The method comprising the steps of receiving audiovisual data stream, parsing the audiovisual data steam to find each CPI in the audiovisual data stream (See Lea col. 3, lines 1-30 and col. 9, lines 36-46), determining if the timestamp for frames of the audiovisual data stream is correct (See Lea col. 9, lines 1-26), correcting any timestamp which are incorrect (See Lea col. 14, lines 39-43).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea et al. (US Patent no. 6160548) in view of Iwamura (US Patent no. 5838876).

Regarding claims 8 and 16, most of the limitations of these claims have been noted in the above rejection of claims 7 and 15.

It is noted that Lea is silent about receiving a frame number from a user interface for an edit point while calculating and searching an expected timestamp as specified in the claims.

However, Iwamura provides an apparatus and method for recording and editing a data stream including the steps of receiving a frame number from a user interface for an edit point while calculating and searching an expected timestamp (See Iwamura col. 8, lines 1-18 and lines 41-48).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Lea's editing method by incorporating Iwamura's teachings of receiving a frame number from a user interface for

an edit point while calculating and searching an expected timestamp. The motivation for performing such a modification in Lea is to display exactly the same track from the same pictures that a user selected during original recording/editing as taught by Iwamura (See Iwamura col. 8, lines 56-65).

5. Claims 1-4 and 9-12 are allowed.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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